MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UAL 2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

12 OCTOBER 2019
Reading Time: 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages, with 5 Questions only.

3. Attempt **ONE** out of **TWO** questions in Part A and answer **ALL** questions in Part B. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall a CLEAN and ORIGINAL copy of:

   i) Rules of Court 2012

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A: Answer Question 1 OR Question 2 (25 MARKS)

QUESTION 1

Ali, a veteran journalist, owned an independent online news portal called "Suara Kita". As an independent news portal, "Suara Kita" is highly critical on the current political issues and have a reputation of being vocal against the government policies and its misbehaving. On January 2019, "Suara Kita" had published a controversial article, exposing a corruption scandal involving some cabinet ministers, including the Home Minister. As a result, the Home Minister was subjected to various Police and Anti-Corruption Commission's inquiries.

Shockingly, the government shut down the news portal within the same month citing that the content in "Suara Kita" is illegal and deemed to be a threat to the national security. This is however done by the government without informing Ali, or any members of "Suara Kita" editorial board. At the same time Ali also felt that the shutdown of his news portal was done with malice as to protect the personal interest of the parties involved in the scandal.

Advise Ali if he could challenge the decision of the government and the possible remedies that are available to him if he managed to challenge such decision.

(Total: 25 marks)

OR

QUESTION 2

Danny was arrested because he attended a public assembly in Dataran Merdeka last week. During his arrest, Danny alleged that he was severely beaten by the Police, even though he had agreed to assist in their investigation. In addition to that, he was also being denied of his basic needs during the 3 days of his captivity in the police holding cell. He was also informed by one of the Police Officer that he can be detained for an indefinite period as he is regarded as a threat to national security.

Advise Danny whether he can challenge his arrest and the decision to detain him indefinitely, as well as the potential remedies that he could seek.

(Total: 25 marks)

PART B: Answer All Questions (75 marks)

QUESTION 3

The Human Rights Commission of Malaysia or better known as SUHAKAM was established by the Parliament by virtue of the enactment of the Human Rights Commission of Malaysia Act 1999.

Continued...

Based on the abovementioned legislation, discuss in detail the functions, powers, and other related provisions in regards to its role as the national human rights institution in Malaysia.

(Total: 25 marks)

QUESTION 4

"Judicial review has I think developed to a stage today when without reiterating any analysis of the steps by which the development has come about, one can conveniently classify under three heads the grounds upon which administrative action is subject to control by judicial review..."

-As Per Lord Diplock, in the case of Council of Civil Service Unions v Minister for the Civil Service [1984] UKHL 9

Based on the statement above, discuss in detail the grounds of application for judicial review, namely non-compliance to the rules of natural justice, illegality, and irrationality.

(Total: 25 marks)

QUESTION 5

According to Section 5 of the Government Proceedings Act 1956;

"Subject to this Act, the Government shall be liable for any wrongful act done or any neglect or default committed by any public officer in the same manner and to the same extent as that in which a principal, being a private person..."

Based on the above provision, along with relevant authorities and cases, critically discuss the liability of government and the public authorities especially in relation to the law of torts.

(Total: 25 marks)

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